GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD – Appeal Petition filed by Sri E. Anjaneyulu, President, A.P. ST Employees Association, and Sri R. Maheswara Rao under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) against the proceedings Ref. No.C5/M/720/2008, dated 19.07.2016 of the District Collector, erstwhile East Godavari for confirming the ST-Valmiki caste Certificate of Smt. Kothapalli Geetha@ Gladys D/o Jacob – Appeal Petition allowed - Orders - Issued.

TRIBAL WELFARE (CV) DEPARTMENT

G.O.Ms.No.02 Dated.04.01.2024
Read the following:-

1. Proceedings of the District Collector, East Godavari, Ref.C5/M/720/2008, dated 19.07.2016.
2. Appeal Petition filed by Sri E. Anjaneyulu, APST Employees Association, President and Sri R. Maheswara Rao before the Government on 24.08.2016.
3. Govt. Memo No.333218/CV.2/2016, dated 02.12.2016, 12.01.2017, 29.05.2017 & 29.06.2017.
4. From the District Collector, East Godavari, Lr.No.Ref.C5(M)/720/2008, dated 09.07.2017.
5. Govt. Memo No.333218/CV.2/2016, dt: 18.08.2017, 20.03.2018, 30.04.2018, 4.07.2018, 07.08.2018, 17.09.2018, 22.10.2018, 06.11.2018, 27.12.2018, 09.01.2019, 23.01.20019, 09.10.2019, 13.11.2019, 24.02.2023, 26.06.2023, 01.08.2023, 09.10.2023 & 06.12.2023.
6. Written arguments filed by the appellants through their council on 10.07.2017, and additional grounds filed on 04.11.2023
7. Written argumets filed by the respondent through their council on 17.11.2018 & 31.10.2023.

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ORDER:

In the Proceedings 1st read above, the Collector & District Magistrate, erstwhile East Godavari had issued proceedings conformed the caste of Smt. Kothapalli Geetha@ Gladys D/o Jacob as Valmiki community which is recognized under ST category as per the provisions of A.P. (SC, ST and BC) Regulation of issue of Community Certificates Act, 1993 and Rules, 1997.

2. In the reference 2nd read above, Sri E. Anjaneyulu, President, APST Employees Association and Sri R. Maheswara Rao has filed Appeal Petition before the Government against the Proceedings of the District Collector, erstwhile East Godavari. After examining the said Appeal Petition, Government have admitted the same and Para-wise remarks on the grounds filed by the Appellant along with connected records were called for from the District Collector, erstwhile East Godavari vide Govt. Memo 3rd read above.

3. In the letter 4th read above, the Collector & District Magistrate, erstwhile East Godavari has furnished the para-wise remarks on the Appeal Petition filed by Sri E. Anjaneyulu, President, APST Employees Association and Sri R. Maheswara Rao and finally conformed Smt. Kothapalli Geetha@ Gladys D/o Jacob caste status as ST-Valmiki.

4. The said Appeal Petition had been posted for hearing before the Hon'ble Appellate Authority on several dates and finally on 16.12.2023 duly informing the same to the Appellants, respondent and the Counsel for the Appellant and respondent vide reference 5th read above. During the course of the hearing and on perusal of the records/ the copies of evidences/ academic record/ grounds filed by the Appellant/ written aurguments submitted by both parities/ Para-wise remarks submitted by the District Collector, erstwhile East Godavari dt. 09.07.2017 and proceedings of the erstwhile District Collector, East Godavari, dated 19.07.2016, the Appellate authority has observed that;

I. The present appeal petition is filed by Sri E. Anjaneyulu, APST Employees Association, President and Sri R.Maheswara Rao under section 7 (2) of the Andhra Pradesh (SC, ST & BC) Regulation Act, 1993 and Rules 1997, aggrieved by the proceedings of the District Collector, and District Magistrate, Kakinada, East Godavari vide Ref. C5 (M)/720/2008, dated 19-07-2016, confirming the ST-Valmiki caste status of Smt. Kothapalli Geetha @ Gladys D/o Jacob.

[Contd..on P.2]

II. The Appellants filed WP.No.10547 of 2023 in the High Court of Andhra Pradesh seeking a direction for the disposal of the present appeal. The High Court in its order dated 28.04.2023 directed the Government to consider and decide the petitioner's appeal in accordance with law if there is no other legal impediment, with due opportunity to Smt. Kothapalli Geetha, 3rd respondent, within a period of four months.

III. The counsel for the 3rd respondent appeared and filed written submissions in the appeal on 17.11.2018 opposing the grounds of Appeal. Subsequently the appellants were permitted on 15.07.2022 to issue a notice through newspaper advertisement informing the date of hearing of the case on 26.08.2023 to the 3rd Respondent Smt. KothapalliGeeta since she has continuously been absent.

IV. When the matter came up for hearing on 26.08.2023, the counsel for the 3rd Respondent filed a memo requesting to permit taking copies of the case and submitting written arguments on or before 12.09.2023. Accordingly, the Memo filed was allowed.

V. As the matter stood, the 3rd respondent, without submitting the written submissions as agreed, filed a W.P.No.23863/2023 before the High Court of Andhra Pradesh challenging the procedure adopted by the Appellate Authority under the AP (SC,ST&BCs) Regulation of Issue of Community Certificate Act 1993 and Rules 1997 in proceeding to decide the matter. After hearing the parties in the matter, on the point of giving an opportunity to the 3rd respondent, the High Court was pleased to pass an order directing the Government not to pass any orders on the appeal filed by the appellants for a period of four weeks.

VI. Obeying the orders, a notice was issued afresh to the parties concerned in the appeal directing them to appear with all relevant documents in support of their claims on 28.10.2023. This time the counsel for the 3rd respondent filed an unattested affidavit of the 3rd respondent, contending that the appeal is not maintainable and it is necessary to address thepreliminary issue which is "Whether this authority can entertain, or have jurisdiction to entertain, the appeal filed by the appellant?". And that once this question is decided, then the merits in the case can be gone into. However, the appellants opposed the contention of the 3rd respondent. Heard the oral arguments of the parties.

VII. The Appellate Authority then directed both the parties to file written submissions on the point raised on jurisdiction of the Appellate Authority and maintainability of the Appeal flied by the Appellant. The counsel for the 3rd respondent was further asked to file an attested affidavit of the 3rd respondent. Accordingly, both the parties filed their written submissions in the matter.

VIII. The counsel for the 3rd respondent filed a detailed written statement in support of the community status claim of the 3rd respondent as ST-Valmiki and also further contended that the Appellate Authority has no jurisdiction to entertain the appeal of the Appellants. On the other hand, the appellants also submitted their written submission strongly opposing the contention of the 3rd respondent.

IX. The matter came up for hearing finally on 16-12-2023. Heard both the sides. After perusal of the available material records on the file, the following order is made.

5. <u>Preliminary Point</u>

i. The AP (SC, ST& BCs) Regulation of Issue of Community Certificate Act 1993 and Rules made there under are intended to curb effectively the evil practice of producing false community certificates by devising a strict procedure for the issue of such certificates and prescribing deterrent punishment to those who produce false community certificates. The procedure for dealing cases under the Community Certificate Act 1993 and Rules is simple.

ii. The powers of Civil Courts under the code of Civil Procedure, conferred on the authorities under Section 9 of the Act 1993 read with Rule 14 of Rules 1997, arespecific which are related to summoning the parties, receiving evidence, making local enquiry etc. Therefore, there is a distinction in the procedure to be followed in adjudication of matters under the Act 1993 and Rules 1997 as well as also distinct from the Judicial powers conferred on courts under CPC while dealing civil suits.

[Contd..on P.3]

iii. However, in order to consider the preliminary point raised by the 3 unofficial respondent in respect of the Jurisdiction of the Appellate Authority in the case, along with the other points, the following issue is framed.

iv. The point for consideration is "Whether this Appellate Authority under the provisions of Community Certificate Act 1993 and Rules 1997 can entertain, or have jurisdiction to entertain, the present Appeal or not?

v. The contention of the 3rd respondent is that the provisions of Section 7(2) of A.P. (SC, ST and BCs) Regulation of issue of Community Certificates Act, 1993 and Rules, 1997 enable only the ***aggrieved person,*** by an order passed under section 5 by the District Collector, to file an appeal to the Government, either seeking an order to confirm or setting aside the order appealed against.

vi. The counsel for the 3rd respondent further argued that the appellants cannot be an aggrieved party in the present matter and the person whose caste certificate was challenged can only become an aggrieved person, but not others.

vii. On the other hand, the contention of the Appellants is that the Appellate Authority is having Jurisdiction to verify the correctness of the caste certificate issued or cancelled under Sections 5(2) and 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. The appellants have relied on a Supreme Court ruling in Raju RamsingVazave Vs. Mahesh DeoraoBhivapurkar (2008) 9 SCC 54 affirming that any person can challenge the bogus claims of individuals as STs in the interest of tribals in general.

viii. Relevant provisions of law need to be referred here. Sections 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 deals with the powers of the authorities to cancell the certificates issued under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. The Section 5 reads as follows:

> Sec.5. Cancellation of the false Community Certificate:- (1) Where, before or after the commencement of this Act a person not belonging to any of the Scheduled Castes, Scheduled Tribes and Backward Classes has obtained a false Community Certificate to the effect that either himself or his children belongs to such Castes, Tribes or Classes, the District Collector may either *suomotu* or on a written complaint by any person, call for the record and enquire into the correctness of such certificate and if he is of the opinion that the certificate was obtained fraudulently, he shall, by notification, cancel the certificate after giving the person concerned an opportunity of making representation: Provided that where an enquiry into the genuineness of a community certificate issued prior to the commencement of this Act has commenced and is pending at such commencement, the record thereof shall be transferred by the concerned authority to the District Collector and he shall continue the enquiry and conclude the same under this sub-section.

ix. The Section 7 (2) of the Act 1993 reads as follows:

> Any person aggrieved by an order passed under Section 5, by the District Collector may, within thirty days (30) from the date of publication of such order in the Andhra Pradesh Gazette, appeal to the Government and the Government may, after giving the appellant an opportunity of being heard and subject to such rules as may be prescribed, confirm or set aside the order appealed against.

x. The procedure to deal with fraudulent claims is stipulated in Rule 9 of Rules of 1997, which reads as follows:

The Rule 9 (1) of the Rules 1997 further affirm that Where the District Collector receives a written complaint from any person or has otherwise reason to believe that a person not belonging to SC or ST or BC has obtained a false community, Nativity and Date of Birth Certificate, he shall refer the same to the Chairman, Scrutiny Committee constituted under Rule 8 to enquire into such cases and send its findings to the District Collector.

[Contd..on P.4]

xi. Therefore it is very clear that the A.P. (SC, ST AND BCs) Regulation of issue of Community Certificates Act 1993 and Rules 1997 is a complete code of law and provide a procedure for enquiry. Section 5 of this Act gives the power to the District Collector to enquire into the correctness of any certificate (either suo moto or on a written complaint from any person)

xii. And any person aggrieved by any order passed by the District Collector under Section 5 can file an appeal under Section 7(2) of the Act 1993 before the Government. The relevant paras (3-6) in page 2 of the impugned order passed by the District Collector under Section 5 of the Act 1993 does consider the question of locus standi of the Appellants.

xiii. "While things stand there, Sri E. Anjaneyulu, State President, APSTEWA (Appellant here in)approached the Government by filing petition which dealt in Government Memo No.14790/CV.2/2013, Social Welfare (CV.2) Department besides filing WP No.35826/2014 to conduct and conclude the enquiry into the caste status of Smt. KothapalliGeetha @ Gladys Smt. V. Rajeswari, MLA, Rampachodavaram and Smt. G. Eswari, MLA, Paderu have also put in representations with a request to cancel the Valmiki (ST) caste status of Smt. Kothapalli Geetha @ Gladys.

xiv. The WP of 35826/2014 flled in the High Court of AP was also disposed on 12.06.2015 with a direction to dispose the enquiry on the caste claim preferably within a period of 6 months. Sri E. Anjaneyulu, State President, APSTEWA has also filed Contempt Case No. 260/2016 in WP No.35826/2014 for implementation of the Judgment given on 12.6.2015.

xv. Accordingly, pursuant to the directions of the Hon'ble High Court the enquiry in to the Caste status of Smt. KothapiliGeetha @ Gladys D/o Jacob has been taken up".

xvi. Therefore, the District Collector initiated an enquiry into the community status claim of the 3rd respondent and her family members as ST-Valmiki in pursuance to the directions of the High Court passed in WP.No.35826/2014 at the instance of the appellants.

xvii. Therefore, the appellants herein are the aggrieved parties to the impugned order passed by the District Collector which confirmed the status of the 3rd respondent as ST-Valmiki. Moreover the locus standi of the Appellants challenging the caste status of the 3rd respondent was already upheld by the High Court of AP as well as by the District Collector.

xviii. Dealing a similar question on the point of locus stand! of individuals challenging the false community certificate status, the High Court in Andhra Pradesh Scheduled Tribes ... vs Aditya PratapBhanj Dev And Ors. on 2 November 2001 (2001 (6) ALD 582) held the following.

> *"Many problems and many hurdles did not allow the reservation policy for STs to proceed smoothly. The problem of fake and false claims in the name of STs is resulting in adverse effects on the working of the policy. In Kumari Madhuri Patil Vs.Addl. Commissioner, and Director of Tribal Welfare Vs LavetiGiri AIR 1995 SC 1506, the Hon'ble Supreme Court denounced the practice of persons claiming benefits con ferred on STs by producing fake, false and fraudulent certificates, and observed thus: The ineligible or spurious persons who falsely gained entiy resort to dilator,' tactics and create hurdles in completion of the inquiries by the Scrutiny Committee."*

When such is the case, who can successfully abort fake and false claims? The associations like the petitioner are only the answer. It is not denied before us that the petitioner is a registered association since 1960s and that it is interested in the welfare of STs in general and ST employees in particular. Further, the complaint made is that a fraud is played on the Constitution by first respondent whereby another ST candidate was denied the benefit which was guaranteed to him under the Constitution. When we consider the question of locus standi and the question whether the petitioner is 'aggrieved' or not, these factors should be kept in mind."

[Contd..on P.5]

xix. Therefore, the appellants have strong legal footing to challenge the genuineness of the community certificate obtained by the 3rd respondent as Valmiki-ST. There is thus no flaw in initiating an enquiry at the instance of the Appeal filed by the Appellants. The Appellate Authority has the jurisdiction to entertain the appeal filed against the impugned order passed by the District Collector and the appellants have the locus standi to assail the same. Accordingly, the preliminary issue raised by the 3rd respondent is answered. The contention raised by the counsel for the 3rd respondent is disallowed.

6. Examination of the rival contentions raised by the appellants and respondents in the Main Appeal as below:

i. The main contention of the Appellants is that instead of referring their complaint to the District Level Scrutiny Committee (DLSC) headed by its Chairman (Project Officer, ITDA) Vide G.O.Ms.No.57, (GAD), dt.01-03-2014 for enquiry, the District Collector referred it to the DISC headed by Joint Collector. And further that the father of the KothapalliGeetha/ unofficial respondent-3, originally belonging to Adi Andhra, Mala, by caste, as per the school Transfer Certificate (IC), and the birth and death registers of the ancestors and blood relatives of the 3rd respondent namely Kothapalli Nagamma D/o Kothapalli Appalaswamy, and KothapalliAppalaswamy pertaining to the year 1935 as well as 1940, show that they all belonged to 'Adi Andhra, Mala'. These records are pre-constitutional records and as such have a probative value.

ii. The Appellants have further contended that the enquiry undertaken by the DLSC in the caste verification case of the real brother of the unofficial respondent, namely Sri Kothapalli Vivekananda, concluded in their report vide Ref. C5(M)/160/2014, dated 29-03-2014 that he originally belongs to Adi Andhra, Mala' by caste, that the District Collector too passed an order on 10-03-2016 concurring with the same while cancelling the caste certificate issued to him, that the impugned proceedings were passed by the District Collector in favor of the unofficial respondent 3rd respondent without conducting proper enquiry ignoring the valuable evidence placed before him and that the appellants have requested to set aside the impugned order.

iii. The contention of the unofficial respondent 3rd is that the Appellants have no locus standi to file case against her, the blood relatives of her are already considered as ST-Valmiki, the documents filed in a tabular form shown at serial number 3,4,5,6,9,10 are the certificates issued in favour of her as Valmiki ST, the documents in serial numbers 11, 12. 14, 17, 19, 21, 22, 23, 24, 26, 27, 29 30, 31, 32 and 33 are affidavits and other documents in support of the claim which show that she belongs to ST, the documents shown at Serial No.25, 34, 35 and 36 show further the caste of her relatives as ST, the document shown at Serial No.12, dt.02-12-1961 relate to the record sheet of Kothapalli Appa Rao shown as Valmiki-ST who is her paternal uncle and the documents filed by the Appellants are not genuine. She requested the Appeal to be dismissed.

iv. The District Collector has submitted his parawise remarks stating that the Unofficial Respondent-3 produced around 37 documents in support of her caste claim; she established the cultural relations and marital relations with Gorle, Kambam, Kolipe, Duli, kora and other family members who were recognized by the officers as Valmiki-ST; the land claims of some of the Kothapalli members were also considered under the Agency Tracts Interest and Regulation of Land Transfer Act, 1917 (the act 1 of 17); some of Kothapalli family members were given ST Valmiki certificate during 1982; the caste of Kothapalli family members was considered as Valmiki ST by the authorities under Land Transfer Regulations and the District Level Scrutiny Committee (DLSC) had recommended her caste as Valmiki-ST.

v. The District Collector further stated that the DLSC had concluded in ref C5/M/160/2014., dt 08.09.2014 that her brother, Kothapalli Vivekananda Kumar, does not belong to Valmiki ST, and as such his ST certificate was cancelled.

vi. The District Collector further submitted that the DLSC has recommended that the unofficial respondent belongs to ST-Valmiki and "**it *is a fact that the District Collector approves the recommendations of the District Level Scrutiny Committee, as the caste claim is being examined by the Scrutiny Committee. It is also a fact that the District Collector is not an appellate authority upon the recommendations of the District Level Scrutiny Committee. As the caste claim is being examined and scrutinized by the District Level Scrutiny Committee, its recommendations are approved by the* District *Collector"*** and therefore requested to dismiss the appeal.

[Contd..on P.6]

7. In view of the above pleadings, the following issues are framed to decide the Appeal.

Whether the Appellants have locus standi to file complaint against the unofficial respondent-3/ Smt. Kothapalli Geetha under the AP (SC, ST AND BCs) Regulation of issue of Community Certificates Act, 1993 and Rules, 1997?

However the point on locus standi to file appeal by the Appellants is already answered in supra. Therefore, the following points/issues further arise for consideration:

1) Whether the decision of the District Collector, East Godavari District, who decided that the brother of the Unofficial Respondent does not belong to ST-Valmiki, will also be applicable to determine the community status of his real sister- 3d respondent here?
2) Whether the District Collector has to depend solely on the decision of the District Level Scrutiny Committee (DLSC) and approve it, or has any independent role to play under the Act 1993 and Rules 1997?
3) Whether the 3rd respondent has discharged her burden in proving her community status claim as Valmiki, a notified ST, under the Act 1993 and Rules 1997?

Issue No I:

i. It is an admitted fact that the caste certificate obtained by the own brother of the unofficial respondent/3rd namely Sri Kothapalli Vivekananda as Valmiki-ST was cancelled by the District Collector on 10-03-2016 under the Act 13 of 1993 and Rules, 1997 made thereunder, holding that he originally belongs to Adi Andhra, Mala by caste, not Valmiki-ST. The same District Collector, subsequently within a gap of a few months, on 19-07-2016, held that the unofficial 3rd respondent is Valmiki-ST which raises serious doubt on the manner of enquiry conducted by the District Collector in the matter.

ii. Obviously the caste or tribe is derived from the parents. In the present case, if her real brother does not belong to ST-Valmiki how can the 3rd respondent become an ST- Valmiki? There is no evidence that the decision given in the case of her real brother Vivekananda was reversed by any competent court in support of her claim.

iii. Hence, the decision in the case of her real brother-Vivekananda is naturally binding on the District Collector in determinIng the claim of the SmtKothapalli Geetha, who is the real sister of the said Vivekananda. It is not legally permissible for the District Collector to take a view contrary to his own decision in the matter after conducting an elaborate enquiry; more over he is a blood relation to the Respondent/Smt. Kothapalli Geetha.

iv. It is relevant to cite here that the decision in the case of Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1, 2010 (6) Mh.LJ. 401, wherein it has been observed in paragraph 9 that, *"The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters verying from marriage to education and enjoyment, and therefore, where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order'.*

v. The same analogy is also applicable to the present facts and circumstances of the case. When the DLSC and the Collector cancelled the community certificate issued to the real brother of the 3rd respondent considering him as not an ST-Valmiki, they cannot take an inconsistent view in the case of his own sister- 3rd respondent.

vi. Thus, from an important documentary evidence, it has been established that the caste of the 3Id respondent's brother is Mala. When it has been proved that the caste of the brother of the 3d respondent is Mala, the caste of the 3rd respondent who is his sister is bound to be Mala; she cannot claim to be belonging to Valmiki, Scheduled Tribe, at any rate.

[Contd..on P.7]

Issue No.2

i. The District Collector in his parawise remarks has admitted that he had approved the claim of the 3rd respondent as ST-Valmiki on the basis of recommendations of DLSC because he is not an Appellate Authority. This admission clearly proves that the District Collector has not applied his independent mind in determining the community status claim of 3rd respondent as Valmiki ST and mechanically approved the findings given by the DLSC.

ii. In this connection, it is better to refer here to the rules for appreciation of the case. Under Rule 9(6), the DLSC shall furnish its findings within 60 days from the date of receipt of the reference. Under Rule 9(7), after receipt of the findings from the *Scrutiny Committee, the* ***District Collector shall take a decision within one month and if he finds that the Certificate was obtained fraudulently, he shall pass an order cancelling the Certificate*** and shall issue a notification to that effect. Hence, the District Collector shall take an independent decision in the matter and pass orders one way or the other after giving an opportunity to the aggrieved parties to make a representation on the findings of the Scrutiny Committee.

iii. The word used in sub-rule (7) of Rule 9 is that the District Collector "**shall decide"** after the report is received from the Scrutiny Committee. The word **'decide** denotes decision-making by the District Collector, and not a unilateral conclusion on the basis of the Scrutiny Committee report.

iv. Therefore, the District Collector is not required to depend on the findings of the DLSC alone and approve it accordingly instead of taking any independent decision after an enquiry into the matter. Admittedly in the present case, the District Collector approved the findings of the DLSC without taking any independent decision. Hence the decision is against the law and not tenable.

Issue No 3:

i. The 3rd respondent has submitted (37) documents in support of her claim to ST status. The 3rd respondent has provided remarks to each and every document cited in a tabular form during the enquiry before the enquiry authorities. The impugned order is passed based on these documents. Therefore the status claim of the 3rd respondent is required to be examined in the light of list of documents filed here.

Sl. No.	Date	Description	Self-Comments of the Smt. Kothapalli Geetha/ 3rd Respondent
1.		Genealogical "tree" of the Petitioner family.	Nil
2.	13.12.2001	Copy of judgment in WP.No.17984/1993	The Hon'ble High Court of Andhra Pradesh declared the Caste of respondent as belonging to "Valmiki" Scheduled Tribe.
3.	30.7.1983	Transfer Certificate issued by the Head Master SKV School	The Caste of respondent is shown as "Valmiki'
4.	19.05.1984	Copy of Matriculation Certificate issued by the Andhra University	The Caste of respondent is shown as Scheduled Tribe.
5.	08.04.1984	Certificate of Baptism issued by office of the Archivist and Marriage Recorder East and West Godavari, Synods, Andhra Evangelical Lutheran Church	The status of respondent is shown as "Valmiki Christian".
6.	20.07.1991	Form of Certificate of Scheduled Tribe issued by the Mandal Revenue Officer, Addateegala	It is certified that the respondent belongs to "Valmiki/Schedule Tribe".
7.	21.03.2002	Memorandum Lr.D5/6990/2001 issued by the District Revenue Officer & Addl. District Magistrate recognizing the Change of name as Kothapalli Geetha	Change of Name of the respondent as Kothapalli Geetha.

[Contd..on P.8]

8.	22.03.2002	Copy of Gazette Notification No.49	Change of Name of the respondent as Kothapalli Geetha.
9.	12.12.2008	Community, Nativity and Date of Birth Certificate issued by the office of Tahsildar, Addateegala.	Certificate is issued that the respondent belongs to Valmiki" community and is a Scheduled Tribe. It is also certified that the respondent is native of Addateegala
10.	04.01.2014	Community, Nativity and Date of Birth Certificate issued by the Government of Andhra Pradesh, revenue Department through E-seva.	Certificate is issued that the Respondent belongs to "Valmiki" community and is a Scheduled Tribe.
11.	05.02.2008	Statement of Sri Kothapalli Jacob given on 07.03.1984 obtained under Right to information Act vide Rc.No.878/2006/ TRI/RTI along with legible copy.	Father of the respondent gave a statement before the Tribal Welfare Department.
12.	02.12.1961	Record Sheet of Sri Kothapalli Apparao,Paternal Uncle of the respondent, showing his status as Hindu-Valmiki	This document shows that the status of Paternal Uncle of the respondent is also shown as Valmiki.
13.	10.09.1971 and 02.05.1975	Proceedings of the Government of India	This document shows that the schedule tribes can profess any religious faithalong with neatly typed copies (this is referred in 17984/1993)
14.	27.10.2008	Grama Sabha Resolution	Grama Sabha passed resolution which was signed by more than 250 people
15.	02.01.2015 & 13.05.2015	Grama Sabha Resolution	Grama Sabha passed resolution which was signed by villagers
16.	05.03.2010	G.O. Ms. No.187, dt. 05.03.2010 Revenue (SER-I) Department accepting the resignation of Smt. K. Geetha, Deputy Collector under rule 30(b) (c) of A.P. State and Subordinate Service Rules 1996 relieving her from duties as Deputy Collector.	Document reveals that the respondent resigned her post as Deputy Collector and she was relieved under rule 30(b)(c) of A.P. State and Subordinate Service Rules 1996.
17.	1991 & 1995	Copy of house hold Card of KammaraRatnamma, Maternal Aunt of Smt. Geetha	The Document shows that Kammara Ratnamma was resident of Thimmapuram during 1991 and 1995.
18.	21.05.2007	Certificate of Registration of Society No.846/2007	Respondent set up a Society for the Welfare of the Tribals in Visakhapatnam under the name General and Environmental Education for Tribal Health Action (Geetha)
19.	15.03.2016	Affidavits of 1. Vajrangiraju S/o. Veeranna, 2. Bonkujanabbai, S/o Yerakaiah, 3. KolipeMusaliah, S/o. Nukaraju 4. M. Veeranria S/o M. Paidaiah	Supporting the caste and residence of the respondent.

[Contd..on P.09]

20.		Genealogy of Gorle Family	The Great Great Grand Father of the respondent Sri Kothapalli Venkata Swamy had Two Sons: 3) Kothapalli Appalaswamy and 4) Kothapalli Ramaiah. The respondent belongs to Kothapalli Appata swamy Branch. Kothapalli Ramaiah's daughter is Gorle Gowramma who married Gorle Bhaskara Rao. Grandsons of GorleBhaskara Rao, namely, 1) Gone Siva Ramakumar and 2) Gorle Bhaskara Kumar are alive and they are with the status of Valmiki - Scheduled Tribe. Their affidavits are also filed. They are also examined by the authority on 04.07.20 18. Mr. Gone Siva Ramakumar is working in Veterinary Department of Andhra Pradesh. Gorte Bhaskara Kumar is working as Driver in ITDA, Rampachodavaram.
21.		The affidavit of Gone China Narayana S/o Yerakayya, aged 47 years r/o. Velpuri, Maredumilli Mandal, East Godavari District.	Gorle Chinna Narayana is descendent from Gone family. He is related to Kothapalli family and he is a Valmiki and ST.
22.	30.06.1997	Possession certificate issued to Smt. Kothapalli Pushpa Rajyam W/o Late KothapalliAppa Rao.	This certificate is issued by office of Revenue Divisional Office. The Certificate reveals the status of Smt. Kothapalli Pushpa Rajyam is ST. She is related to the respondent from the family of Kothapalli Yerakannawho is the brother of Kothapalli Sundar Rao, the grand father of the respondent.
23.		Ration Card of Kothapalli Pushpa Rajyam, W/o KothapalliApparao	The document shows that she is still residing in Thimmapuram, Addatheegala Mandal.
24.		Adhar card of Kothapalli Pushpa Rajyam, w/o Kothapalli Apparao, showing her residence at 1-178, Thimmapuram, Addatheegala Mandal	The document shows that she is still residing in Thimmapuram, Addatheegala Mandal.
25.	1982	Community Certificate issued in favour of Kothapalli Raj Kumari in 1982	Kothapalli Raj Kumari is the daughter of Kothapalli Pushpa Rajyam and Kothapalli Apparao. She is married to Khambam Chantibabu of Gundelu Village, Addatheegala Mandal. Khambam Chantibabu belongs to Valmiki-ST.
26.	2011	Social, Economic and Caste census, 2011	Where in the Khambam family is shown as ST.
27.		Copy of Ration Card issued in favour of Raj Kumari Family, Gondolu village, Addatheegala Mandalam	The document shows that she is still residing in Gondolu village of Addatheegala Mandal
28.	1982	Caste Certificate issued in favour of KothapalliAppa Rao S/o Yerakayya in 1982.	This document shows his status as Valmiki. Kothapalli Appa Rao is the grandson of Kothapalli Yerakanna who is the brother of Kothapalli Sundar Rao, the grandfather of the respondent.
29.		Copy of Death Extract of GorleChallamma d/o. Yerraooa of Vetukuri Village, Maredumilli Mandal	Status of Gorle Challamma is shown as Valmiki. (please see the family tree of Gone family which is filed)
30.		Copy of Death Extract of GorleNagadusio , YerrappaVetukuri Village, Maredumilli Mandal.	Status of Gonle Nagudu is shown as Valmiki. (Please see the family tree of Gone family which is filed)

[Contd..on P.10]

31.		Copy of Third party affidavit by Si Gone Shiva Rama Kumar	Related to Kothapalli family, a Valmiki and ST. and that he is working in government service, with caste certificate. He was examined by this authority on 4.7.2016.
32.	16.03.1991	Copy of the order in LTRP No.55/90, Kothapalli Appayamma, Salagolu Chinnammi, Mungaru Musalamma, Muria Purushotham, Murla Chinna Rao, Kambam Nadipamma	They are shown as Valmiki Caste.
33.	13.07.1976	Copy of. Ref.No.D2859/76 of the Dy. Tahsildar, Yellavaram addressed to the collector Kakinada	In these proceeding, the Dy. Tahsildar has recorded that Valmikis used to use the word 'Mala" besides "Valmiki
34.		Copy of Caste Certificate of Gone Mansa D/o. Sri GonleBhaskara Rao	Her status is shown as Valmiki-ST.
35.		Copy of Caste Certificate of Gone Rana deep S/o. Sri Gonle Shaskara Rao	His status is shown as Valmiki-ST.
36.		Copy of Caste Certificate of Gorle Khanija D/o. Sri Gorle Shaskara Rao	Her status is shown as Valmiki-ST.
37.		Genealogical table of family of khambam who are also related to kothapalli family	

ii. Sr.No.1 The Genealogical tree shown gives the details of her family members. S.No.2 the decision given in the WP.No.17984/1993 is not a conclusive order. Because an appeal against that order was filed in Writ Appeal No.98/2002, where in the High Court passed an order directing the officials to conduct a fresh enquiry in to the caste status of the 3rd respondent and pass orders in accordance with law.

iii. The documents shown at serial number 3 (Transfer Certificate), 4 (Matriculation School Certificate), 6 (Caste certificate issued to 3rd respondent /by MRO as Valmiki in 1991), 9 (Birth certificate of 3rd respondent/as Valmiki in 2008), 10 (Birth certificate obtained through E-Seva in 2014 by 3rd respondent) are the certificates issued in favour of her as Valmiki ST.

iv. The 3rd respondent claims that she was issued caste certificates by the Tahsildar, Addateegala, as ST Valmiki during the period 1991-2014 after due enquiry and in accordance with G.O.Ms.No.245, dt.30.6.1977. Therefore, her claim is that the certificates are in conformity with the G.O.Ms.No.245. It is relevant to cite the related decision of the High Court of AP here. The High Court discussed validity of the G.O.Ms.No.245 in a detailed manner, and how it is misused by individuals to claim ST status.

v. The High Court of AP in **P. Raghu Ram AndOrs. vs Collector AndAnr. on *16* January, *1996(1996 (1)* ALT *258)* held that** *"This case is one such example how the petitioners have exploited the situation on certain guidelines issued by the Government in G.O.Ms. No. 245 dated 30-6-1977 and the Annexure thereto. These are only executive instructions meant for guiding the officers concerning with the issuance of caste certificates. The executive instructions are neither capable of including or excluding any community from the list notified by the President of India under Articles 341 and 342 of the Constitution of India."* Similar view was upheld by the Divisional Bench of the AP High Court in **K. Rajaiah vs State Of Andhra Pradesh And Others on *9* September, *1998(1998 (6) AID 500).* Therefore** the community status claim of the 3rd respondent on the basis of G.O. Ms.No.245 is unsustainable.

vi. Sr.No.5 (Certificate of Baptism), Sr.No.7 and 8 are related to change of her name and notification to that effect. As seen from the records, the change in the name and its related documents are not relevant here. Sr.No.13 is to prove that tribe can profess any religion.It is true there is no bar to profess any religion by STs and that would not change their community status Sr.No.16 is related to her resignation from the post of Deputy Collector. Sr.No.18 is certificate of registration of a society.Therefore the documents described in Sr. No 5,7,8,13,16, and 18 have nothing to do with the community status claim of the 3rd respondent.

[Contd..on P.11]

vii. Serial numbers 11, 19, 21 and 31 are statements of Kothapalli Jacob/father of the 3rd respondent and others. These are oral testimonies. Sr.No.14 and 15 are the resolutions of Gram Sabha in support of her claim. The resolutions of Gram Sabhas have no legal sanctity to confirm the community status of the claimants as STs or not. Sr. No 20 and 37 are genealogical table of Gorle and Khambam families.The genealogical history helps only to understand the relationship among the family members and with other family members.

viii. Sr. No.17, 23, 24 and 27 in tabular form are related to the residential proofs etc. of her relatives. Sr. No 29, 30, 34, 35 and 36 are copies of caste, death extracts and other documents related to Gone family members, and Sr.No.26 socio, economic status survey discloses the Khambam family member is ST. Sr.No.22 land possession certificate of KothapalliPushpaRajyam shows as ST. Sr.No.32 order given in LTRP No.55/90 in favor of Kothapalli, Salagolu, Mungaru, Murla and Khambam family members showing them as Valmiki.

ix. To prove the matrimonial alliances between the Kothapalli family members, and Khambam, she stated that Smt. Kothapalli Rajakumari married Khambam Chanti Babu, who belongs to Valmiki Community. In support of her claim, she also filed 3rd Party Affidavit of a few individuals whose surname is Gorle to show that they belong to Vatmiki which are self-explanatory in nature.

x. Therefore, all these documents are filed to show that they have relations with other surname families of Gorle, Kothapalli, Khambam etc. The rations cards of a few Kothapalli family members filed show that they are residents of Thimmapuram. Residential proofs do not confer any rights to claim Scheduled Tribe status as Valmiki.

xi. The full bench of the Supreme Court in Abhoy Pada Saha Vs. Sudhir Kumar Mondal, (Appeal No.931 of 1965) held that the relevancy of surname would be very limited in an enquiry in relation to the issuance of Caste Certificate or cancellation thereof.

xii. It is relevant to mention here that the findings noted in the impugned order state that the caste status of Kothapalli family members was recorded in the Birth and Death Registers prior to 1950 as Christian, Mala etc. Similarly in the Khambam, Gorle, Kolipe, Kora and Duli Family members have been also shown as "Valmiki" in some entries.

xiii. It is not out of place to take judicial notice of the disturbing trends in staking claims based on the certificates issued to other family members of like Gone, khambam in the agency area of East Godavari District, The material reports in the case dealt by the Hon'ble High Court passed **in Duda Ramesh And Ors. vs State Of A.P. And Ors. on 20 January, 2005(2005 (2) ALD 374).** wherein one Duda family member claimed his community status is ST Valmki on the basis of being blood relations with other people. The reports of the revenue officers have disagreed with that contention factually. "The Mandal Revenue Officer conducted enquiry and submitted a report stating that 'people with Duda surname have blood relations and matrimonial alliances with families having the surnames of Battula, Gone, Kambham and Boraga and that the caste with surnames such as Duda, Battula, Gorle, Kambham and Boraga are recorded as 'Mala, Christian Agency Mala and Panchama' in the Birth and Death Registers and that the mother of the petitioners belonged to Adi Andhra Community and that the family members of the petitioners had converted into Christianity. Hence, the petitioners do not belong to Valmiki caste."

xiv. Therefore the 3rd respondent relying on the community status claim of such Gone, Kolipe, Khambametc, by showing her relationship is disputable and doubtful. The impugned order further says that "Though there is an ambiguity to decide caste status of the candidates in such cases whether they belong to Mala or Valmiki, previous instances in the caste status of some candidates among Khambam, Gorle, Kolipe, Kora & Duli Family members was decided as "Valmikis" in the detailed enquiries conducted".

xv. The claim of the 3rd respondent is that her relatives were considered as ST-Valmiki on the same basis that she belongs to Valmiki Tribe and urged that on the basis of the proof as to the caste of the blood relations of her as Valmiki she should be considered to be belonging to Valmiki ST. Caste certificates of blood relations cannot become conclusive proofs. At the most such caste certificates of blood relations can be used as a guideline and/or in circumstances taken into consideration but along with the other evidence on the record. **(Devidas Baburao Hajare And Anr. vs State Of Maharashtra And Ors. on 7 August, 1987).**

[Contd..on P.12]

xvi. There cannot be hard and fast rule for granting or rejecting the caste claims of the applicants. The caste certificate issuing authorities have to apply their minds to the facts, circumstances and evidence in every individual case before them.

xvii. The counsel for the 3rd respondent submitted the ruling in a case held between Mukesh Pandu Rangh Bastav and another Vs State of Maharashtra in support of case of the 3rd respondent to prove that community status claim has been approved to close blood relations as such it is applicable to the case of the 3rd respondent. This ruling is not applicable to the facts of the case. Because the community status claim of blood relations is itself disputable as per the impugned order as discussed supra.

xviii. The 3rd respondent cannot claim ST status in the light of the facts and circumstances of this case on such ambiguous and doubtful claims of the other people who are having similar surname, or blood relations with other people having surnames of Gorle, Khambam.

xix. Moreover, as per the orders of Government of India, Ministry of Home affairs, vide No.39/37/73-SCT-1 dt.21.05.1977, each case is to be examined in the light of the circumstances prevalent in that case. The Government of India, (Ministry of Social Justice and Empowerment) further reinforced vide No.12017/02/2017-SCD (R.L.Cell) dated 03.10.2019, that 'each individual case will have to be examned in the light of facts and circumstances in such cases'. Therefore, the decision given in one case cannot be considered as a conclusive proof to determine the community status of another individual claimant. Therefore there is no merit in this argument.

xx. The 3rd respondent also has filed Sr.No.12 the schools record sheet pertaining to her paternal uncle Sri Kottapalli Apparao in PS elementary school, Addateegala, recorded as Hindu Valmiki and date of Birth as 11-03-1939. Copies of the caste certificate issued to Sri Kothapalli Rajakumari and her father Kothapalli Apparao in 1982 as Valmiki are filed. Sr.No.28 is caste certificate issued to KohtapalliApparao, claimed to be her grandfather. Further claim is that Sri Kothapalli Appalaswamy, her great grandfather, possessed land property at Thimmapuram Village of Addateegala Mandal in the Agency Area as per the survey records in 1932.

xxi. Contradicting this claim, the report of the Sub-Collector, Rampachodavaram reveals that the registered land deed bearing No.99/1926 dated 23.02.1926 shows that the caste of her great grandfather, Sri Kothpalli Appalaswamy, was noted as Adi-Andhra. Moreover having landed properties in the agency tracts prior to independence as per the survey records as claimed will not prove the community status of the claimant.

xxii. The evidence further on the record disproves the claim of the 3rd respondent as notified ST-Valmiki. The birth and death register extracts prior to 1950 furnished by the Tahsildar, Addateegala, the caste of Kothapalli surname people was noted as Christian, Mala.

xxiii. The appellant strongly argued that the birth and death registers pertaining to year 1935 as well as 1940 of the ancestors and blood relatives of the 3rd respondent, namely Kothapalli Nagamma D/o. Kothapalli Appalaswamy, and Kothapalli Appalaswamy, show that they all belonged to 'Adi Andhra, Mala' and these records are pre-constitutional records and as such they have a probative value.

xxiv. The Tahsildar, Y. Ramavaram, reported that the Kothapalli family Members are not residents of Y. Ramavaram Mandal and there are no entries with Kothapalli, surname in the birth and death registers of Y. Ramavaram Mandal. The father of the 3rd respondent married Smt. Konki Lizzaramma of Amalapuram who is Mala by caste but they are following the customs of Valmikis.

xxv. In support of her claim, the 3rd respondent has come up with another argument that her status as ST- Valmki is to be accepted in view of a fact that her family members were considered as hill tribes from 1918 onwards under the AP Agency Tracts Interest and Land Transfer Act 1917 and their land claims in the land disputes and family members of Khambam were also upheld by the designated authorities of the Agency Courts in 1991 and 1993.

[Contd..on P.13]

xxvi. It is relevant to cite the Act 1917 and Rules made thereunder for discussion on this aspect. The Agency Tracts Interest and Land Transfer Act, 1917, is an Act to regulate the rate of interest on the transfer of land in Ganjam, Vizagapatnam and Godavari Agency Tracts. In exercise of such power, the Governor-in-Council issued Order No. 187, Home (Judicial) dated 22.1.1918 and 19.04.1932 making rules to regulate the transfer of land in the Agency tracts of Ganjam, Vizagapatnam and Godavari Districts. By Rule 1 thereof, the Hill Tribes, for the purpose of the 1917 Act, were notified separately for Ganjam, Vizagapatnam and Godavari districts. This included Malas and Madigas residing in Godavari Districts.

xxvii. Nowhere in the Rules or the said Act, as claimed by the 3rd respondent, notified Valmiki as Hill tribes for the purpose of the Act. Therefore, there is no merit in making a claim that Kothapalli or Khambam family members were considered as Valmiki/ hill tribe under the Land Transfer Act 1917. The tribes or tribal communities, which are specified in the notification issued by the President of India under Article 342(1) alone are deemed to be STs for claiming benefits under the Constitution of India.

xxviii. Dealing a similar case, the High Court of AP rejected to accept such ground for determination of community status as Valmiki-ST. The High Court held that the reservations provided in favour of Scheduled Tribes cannot be permitted to be knocked away by any other persons or groups **(Dokkuluri Chitti Babu v, Government of Andhra Pradesh and another-2009 (3) ALD 456).**

xxix. Moreover the scope of the enquiry under the Land Transfer Regulations 1 of 59 as amended by 1 of 70 or the earlier Agency Area Land Transfer Act 1917 is very limited to the verification whether any transfer of land was effected between tribals and non-tribals or among the non-tribals. Therefore the findings given under the Regulations cannot be a strong ground to consider the community status of an individual as ST at any rate.

xxx. The document referred in Sr.No.33 copy of the proceedings of Dy. Tahsildar in Ref. No. D2859/76 was relied upon by the 3rd respondent to show that Valmikis used the word "Mala" also.

xxxi. It is relevant to mention here the decision of the High Court of Andhra Pradesh passed in Makireddy Bangaru Talli And Anr. vs Collector And Ors. on 3 September, 1991(1992 (1) ALT 441) which struck down a circular issued by the District Collector, East Godavari District, clarifying that Malas or agency Malas or Valmikis, whose forefathers were bonafide residents of agency tracts of East Godavari prior to 1924 and up to 06.09.1950 shall be considered and treated as Scheduled Tribes.

xxxii. The ruling of a five judge Constitution bench of Supreme Court in the State of Maharashtra vs Millind (AIR 2001 SC393) which held that the Scheduled Tribes Order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order if they are not so specifically mentioned in it. The Valmiki is a notified ST in the agency areas of Andhra Pradesh, but not Agency Mala/ Konda mala.

xxxiii. The genesis for the litigation is arising from the proceedings in Reference No. B2-12038/92, dated 30.10.1993 of Joint Collector cancelling the Valmiki Tribe Certificates issued to the 3rd respondent, her brother and father. As discussed supra the community certificate issued to her brother was already cancelled by the District Collector in pursuance of an enquiry taken up as per the directions of the High Court. The 3rd respondent is claiming her status as ST-Valmiki through the impugned proceedings passed by the Collector. But the certificate of the father of the 3rd respondent which was cancelled has not yet been reversed by any designated authorities under the Act 1993 and Rules 1997 or a court. Moreover the Admission Register of Luthern High School, Peddapuram bearing No.1530/39-40 in relation to the father of the 3rd respondent shows his caste as Adi Andhra. This pre constitutional record will have probative value.

xxxiv. The father of the 31 (respondent Kothapalli Jacob admittedly married Konki Lizzamma of Amalapuram who is a Mala by caste. Hence hermother is non-ST. Admittedly the 3rd respondent was brought up in plain areas. The report of the Sub collector reveals that by virtue of his job the father of the 3rd respondent here in, resided in various places other than the agency area and the children studied in non agency area, that the family members used to attend to the Christian festivals and functions.

[Contd..on P.14]

xxxv. It is also relevant to cite here the decision of the Supreme Court in **Anjan Kumar vs Union Of India & Ors in** Appeal (Civil) No.6445 of 2000 dated 14.02.2006, wherein it was held that 'the condition precedent for granting tribe certificate being that one must suffer disabilities wherefrom one belongs and that a person not belonging to the scheduled castes or scheduled tribes claiming himself to be a member of such caste by procuring a bogus caste certificate is a fraud under Constitution and that it would be violative of the mandate of Articles 14 and 21 of the Constitution of India.

xxxvi. **The Supreme Court in Union of India vs Dattatray S/o Namdeo Mendhekar & ... on 15 February, 2008** held that when a person secures employment by making a false claim regarding caste/tribe, he deprives a legitimate candidate belonging to scheduled caste/tribe of employment. In such a situation, the proper course is to cancel the employment obtained on the basis of the false certificate so that the post may be filled up by a candidate who is entitled to the benefit of reservation.

xxxvii. When the burden of proof is on the appellant under section 6 of the Act, she has to establish that she belongs to the community to which she claims to belong. It is for him/her to produce valid evidence in support of the claim made by him/her.

xxxviii. The Supreme Court in Anand Vs. Committee for Scrutiny and Verification of Tribe Claims on 8 November 2011, observed that "Needless to add that the burden of proving the caste claim is upon the applicant. He has to produce all the requisite documents in support of his claim. The Caste Scrutiny Committee merely performs the role of verification of the claim and therefore, can only scrutinize the documents and material produced by the applicant. In case, the material produced by the applicant does not prove his claim, the Committee cannot gather evidence on its own to prove or disprove his claim".

xxxix. There is a clinching evidence against the community status claim of the 3rd respondent. The *3rd* respondent did not discharge the initial burden to prove her social status. Unless the 3 respondent discharges her initial burden by proving the certificate obtained by her as genuine and the basis on which the said certificate obtained is proved as genuine. Hence the impugned order under challenge is erroneous, illegal and deserves to be upset.

xl. In view of the aforesaid reasons, and rulings of the Higher Courts, the impugned order passed by the District Collector and District Magistrate, Kakinada, East Godavri in Ref. C5 (M)/720/2008 dated 19.07.2016 confirming the caste certificate of Smt. Kothapalli Geetha @ Gladys D/o Jacob as ST-Valmiki is hereby set aside. In the result, Appeal Petition is allowed. As a sequel, interim orders, if any, passed in the matter shall stand vacated. Appeal is disposed of accordingly.

8. Government after careful examination of the appeal petition and the circumstances stated supra and in exercise of the powers conferred under Section 7(2) of A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), and rules made there under, hereby allow the appeal petition filed by Sri E. Anjaneyulu, President, A.P. ST Employees Association, and Sri R. Maheswara Rao and the proceedings in Ref. No.C5/M/720/2008, dated 19.07.2016 of the Collector & District Magistrate, erstwhile East Godavari confirming the caste certificate of Smt. Kothapalli Geetha @ Gladys D/o Jacob as ST-Valmiki is hereby set-aside.

9. The Collector & District Magistrate, ersrwhile East Godavari now Alluri Sitarama Raju District is directed to take necessary consequential action in the matter, as per the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), and rules made therein.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, ASR District at Paderu.**(BY RP)**

The District Collector, East Godavari District at Rajahmundry.

[Contd..on P.15]

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Sri Nimmaka Jayaraju, ex-MLA, Naguru Constituency,
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Sri K.K.V.V.V. Satyanarayan, Ex-MLA,
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Gangavaram(Mandal), ASR District.

Copy to:
The OSD to Hon'ble Deputy CM(TW).
The PS to Principal Secretary(TW).
Sf/Sc.

// FORWARDED:: BY ORDER //

SECTION OFFICER